

executing the function in the same computer system that is executing said applet and applet viewer to thereby cause execution of the one or more computer instructions in response to receipt of the request.

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on June 22, 2000, and the references cited therewith. Claims 1-15 and 22 pending in this application. Applicant respectfully requests reconsideration in view of the remarks that follow.

#### **Double Patenting Rejection**

The Examiner noted that if claim 1 were found to be allowable, claim 22 would be rejected under 35 U.S.C. § 101 as being a substantial duplicate thereof and cited MPEP 706.03(k). Applicant respectfully traverses this ground for rejection.

MPEP 706.03(k) states that “court decisions have confirmed applicant’s right to restate … the invention in a reasonable number of ways. Indeed, a mere difference in scope between claims has been held to be enough.”

The Advisory Action date mailed February 7, 2000, stated that the reason for not entering the amendment after final, which added new claim 22, was that “Applicant adds a new claim with a different scope.” Thus, claim 22 has a different claim scope from claim 1, so a rejection under 35 U.S.C. § 101 would be improper.

#### **§103 Rejection of the Claims**

Claims 1-15 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Grate (US 5,956,483), hereinafter “Grate.” Applicant does not admit that Grate is prior art and reserves the right to swear behind it at a later date. Applicant nonetheless believes that the present invention is patentable over Grate and respectfully traverses this ground for rejection for the following reasons.

1. Grate does not teach or suggest an applet.

Claim 1 recites: “receiving from the applet … a request for a document.”

The Office Action argues that Grate describes an applet and cites the Grate HTML document. But, an HTML document does not teach or suggest an applet. An applet is described in applicant’s specification:

“An applet is a collection of computer instructions which are designed to be transported through a computer network and executed with an applet viewing process executing within a local computer system.” (*Specification at page 2, lines 21-23.*)

The Grate HTML document does not contain computer instructions and does not execute on a computer system. Instead the Grate HTML document contains data and formatting control codes that are read and interpreted by a browser, as can be seen in Grate column 5, lines 6-20 and Figs. 7A and 7B. Thus, it isn’t possible to receive a request for a document from Grate’s HTML document.

1. Grate does not teach or suggest a task unrelated to retrieval of any document.

Claim 1 recites: “the request [for a document] specifies a function … execution of which performs a task which is unrelated to retrieval of any document specified in the request.” (emphasis added). Thus, in applicant’s claimed invention, the task that results from the request is unrelated to the requested document.

The Office Action argued that the invocation of the Grate COM describes a task. But, the Grate COM object is related to the document being requested, which can be seen in Grate:

“These Web documents include catalog information … of the various product offerings of the merchant.” (*Grate at column 6, lines 42-44.*)

The method library 116 includes COM … objects 120 which include methods for serving non-HTML information stored within one or more merchant databases 122. … This information may include, for example, relatively dynamic product information (such as price and inventory).” (*Grate at column 7, lines 2-8.*)

Thus, Grate describes a direct relationship between its documents and its COM objects: the Grate document contains merchant product offerings, which are related to the COM objects, which are methods for serving dynamic product information such as price and inventory. Hence, Grate teaches away from applicant's claim 1, which is compelling evidence of non-obviousness.

Independent claims 6, 11, and 22 contain similar limitations as claim 1, and are patentable over Grate for similar reasons. Claims 2-5, 7-10, and 12-15 are dependent on claims 1, 6, and 11, respectively and are patentable over Grate for the reasons argued above, plus the limitations in the claims.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-371-2103) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,  
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